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10/517,430

12/10/2004

Cesare Beccari

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2504

466

7590

12/13/2007

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

12/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/517,430

Applicant(s)

BECCARI, CESARE

Examiner

Clark F. Dexter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 2-10, 14, 16-20, 22-29 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11-13, 15, 21 and 30-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group III (claims 1, 11-13, 15, 21 and 30-32) in the reply filed on July 13, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 2-10, 14, 16-20, 22-29 and 33 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement filed on December 10, 2004 has been received and the reference listed thereon has been considered.

### ***Drawings***

4. The drawings are objected to because of the following informalties:

In Figure 1, a numeral should be added to indicate the fabric feeding means (e.g., see page 4, line 18), and a numeral should be added to indicate the pick-up area (e.g., see page 4, line 4).

In Figure 2, numeral 41 is missing and should be added (see page 10, line 7).

In Figure 3, the upper occurrence of "22'b" is inaccurate and should be changed to --22'a--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Abstract***

5. The abstract of the disclosure is objected to because of the following informalities:

In each of lines 5 and 6, "(22)" after "work plane" is improper since it has already been used to refer to the member; in lines 8, 10 and 12, the use of "work plane" is improper since a plane is virtual, and it is suggested to change each occurrence of "work plane" to --support member-- or the like.

Correction is required. See MPEP § 608.01(b).

***Specification***

6. The disclosure is objected to because of the following informalities:

The present specification is replete with informalities, and a substitute specification including the following changes is suggested.

On page 1, in the title and in lines 14, 15, 18, 23, 24, 27 and 31, "plane" is improper and should be changed to --support--.

On page 2, lines 6, 9, 10, 11, 13, 16, 19, 34, 35 and 37, "plane" is improper and should be changed to --support--; also, in line 9, "provided designed" is unclear, and it seems that "designed" should be deleted.

On page 3, lines 2, 7, 9, 23, 26, 31 and 37, "plane" is improper and should be changed to --support--; in line 18, --22-- should be inserted after "means" for clarity; in line 19, "the zone" should be changed to --a cutting zone-- for clarity; in line 20, "a work plane" is improper and it seems that it should be changed to --a substantially planar

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work support-- or the like; in line 31, the recitation "The apparatus and the cutting units 18" is unclear, particularly since the cutting units are part of the apparatus; in lines 34-36, the recitation is unclear as to what is intended, and it is suggested to include the language --incorporated by reference-- is that is what is intended.

On page 4, lines 2, 6, 21, 25, 26, 30, 33 and 35, "plane" is improper and should be changed to --support 22--; in line 4, "the pick-up area" should be changed to --the pick-up area-- and a numeral should be provided after "area" or the like for clarity; in lines 15 and 34, --20-- should be inserted after "blade" for clarity; in lines 17-18, "fabric support work plane" should be changed to --fabric support 22-- for clarity.

On page 5, lines 1, 5, 8, 12 and 29, --20-- should be inserted after "blade" for clarity; in line 2, "blade counter plane" should be changed to --work support 22-- for clarity; in lines 4, 10, 11, 15, 17 and 21, "plane" is improper and should be changed to --support 22--; in line 9, "fabric support work plane" should be changed to --fabric support 22-- for clarity; in line 22, "22c" is inaccurate and should be changed to --22b--; in line 32, --22a-- should be inserted after "support sheet" for clarity; in line 33, --22b-- should be inserted after "sheet" for clarity; in lines 34-35, "fabric support work plane" should be changed to --fabric support 22-- for clarity; in line 37, "the means" is unclear, and it seems that it should be changed to --means 27-- or the like.

On page 6, lines 1, 29, 32, 34 and 35, "plane" is improper and should be changed to --support 22--; in line 15, --20-- should be inserted after "blade" for clarity; in line 17, --contact-- should be inserted before "surfaces" for clarity; in line 19, --23-- should be inserted after "adhesive layer" for clarity; in line 22, --23-- should be inserted

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after "adhesive material" for clarity; in line 25, --22a-- should be inserted after "first sheet"; in line 27, --22b-- should be inserted after "second sheet"; in line 31, "work plane" should be changed to --support 22-- for clarity.

On page 7, lines 1, 3, 7, 8, 22, 26 and 27, "plane" is improper and should be changed to --support 22--; in lines 5 and 29, --20-- should be inserted after "blade" for clarity; in line 10, "work plane support means" should be changed to --support means 27-- for clarity; in lines 11-12, "fabric work plane" should be changed to --fabric support 22-- for clarity; in line 14, --27-- should be inserted after "means" for clarity; in line 21, --22'b-- should be inserted after "lower surface" for clarity; in line 28, --22'a-- should be inserted after "upper surface" for clarity; in lines 34, 35 and 36, --27-- should be inserted after "means" for clarity.

On page 8, line 4, the recitation --of the work support 22-- should be inserted after "work plane" for clarity; in line 5, --20-- should be inserted after "blade" for clarity; in line 4, --22-- should be inserted after "support" for clarity; in lines 6, 9, 13 and 18, "plane" is improper and should be changed to --support 22--; in lines 8 and 14, --27-- should be inserted after "support" for clarity; in line 11, --27-- should be inserted after "supports" for clarity; in line 15, --27-- should be inserted after "element" for clarity; also in line 15, "fabric work plane" should be changed to --fabric support 22-- for clarity; in line 19, --22'a-- should be inserted after "glass surface" for clarity.

On page 9, lines 1, 5, 13, 16, 35 and 36, --20-- should be inserted after "blade" for clarity; in line 5, --of the work support 22-- should be inserted after "plane" for clarity; in line 9, --of the work support-- should be inserted before "22" for clarity; in line 13,

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"edge" is inaccurate and confusing, and it seems that it should be changed to --portion-- or the like; in line 17, --forming a cutting edge-- should be inserted before "121" for clarity; in line 19, both occurrences of "extremity" should be changed to --edge 121-- for clarity; in lines 27, 29 and 30, --22'a-- should be inserted after "surface" for clarity; in lines 27, 31 and 32, "plane" is improper and should be changed to --support 22--; in line 37, "plane" is improper and should be changed to --support--; in lines 14 and 21, the decimals should be represented with periods --.--, not comma ","; in line 33, --27-- should be inserted after "element" for clarity.

On page 10, lines 1, 2 and 20, "plane" is improper and should be changed to --support 22--; in line 5, 7, 10, 11, 12, 13, --20-- should be inserted after "blade" for clarity; in lines 10, 15 and 19, --40, 41-- should be inserted after "means" for clarity; in lines 8 and 34, "plane" is improper and should be changed to --support--; in line 15, --12-- should be inserted after "support" for clarity; in line 21, --(not shown)-- should be inserted after "means" for clarity; in line 25, --18-- should be inserted after "unit" for clarity; in lines 26 and 28, "block" is unclear, and it seems that it should be changed to --clamp-- or --fix-- or the like; in line 32, "blocked" is unclear, and it seems that it should be changed to --clamped-- or --fixed-- or the like; in line 36, "blocked" is unclear, and it seems that it should be changed to --locked-- or the like.

On page 11, line 1, --the-- should be inserted before "material" for clarity, and a numeral should be inserted after "zone" for clarity; in lines 5 and 14, --22'a-- should be inserted after "surface" for clarity; in lines 5 and 22, "plane" is improper and should be changed to --support 22--; in line 6, "blocking" is unclear, and it seems that it should be



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changed to --clamping-- or --fixing-- or the like; also in line 6, --87, 88-- should be inserted after "rollers" for clarity; in line 14, the recitation "work plane and cutting blade counter-element" is unclear, and it should be changed to --work support 22 acting as a cutting blade counter-element-- for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

7. Claims 1, 11-13, 15, 21 and 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, "plane" renders the claim vague and indefinite since it is intended to recite structure (as seen in line 9), but is virtual; In the last two lines, the recitation "means are provided which are designed to make" is vague and indefinite as to what is being set forth, particularly as to what is the function associated with the recited "means".

In claim 11, line 4, the recitation "particularly around 25 mm" renders the claim vague and indefinite as to what is the thickness being set forth.

In claim 12, lines 2-3, the recitation "the outer layer" lacks positive antecedent basis; in line 3, the recitation "harder" is vague as to with respect to what.

In claim 15, lines 3-4, the recitation "the support means of the work plane" lacks antecedent basis.

In claim 21, line 3, "the supports" lacks antecedent basis; in lines 4 and 5, the recitation of "a certain" is vague as to what distance is being set forth; in lines 5-6, the recitation "a certain longitudinal distance" is vague and indefinite as to whether it is referring to that distance in line 4 or to another such distance; in line 7, "the elements" lacks antecedent basis; in line 9, "the adjacent longitudinal line" lacks antecedent basis.

In claim 31, lines 3-4, the recitation "acts as a means ..." is vague and indefinite as to what is being set forth, particularly as to whether additional structure is being set forth.

In claim 32, lines 3-4, the recitation "acts as a means ..." is vague and indefinite as to what is being set forth, particularly as to whether additional structure is being set forth.

In claim 33, line 1, "Support plane" is vague and indefinite since it is virtual but appears to be intended to recite structure (as seen in line 9 of claim 1 which subject matter is included in this claim).

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Dingus, pn 3,935,776.

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Dingus discloses a support plane or support member (e.g., 18) characterized as being made from glass (e.g. see col. 2, lines 1-2) as set forth in claim 1. It is noted that this claim also reads on a variety of forms of glass that are capable of supporting a workpiece including conventional glass table tops used either alone or as insets in furniture.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 11-13, 15, 21, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billows, pn 3,971,276 in view of Weaver, pn 4,450,774.

Billows discloses an apparatus with almost every structural limitation of the claimed invention including:

a support frame (e.g., 1), means (e.g., 4, see Fig. 1) to support the material in the form of a work plane for the material, above which are one or more mobile cutting units (e.g., 11) each having a cutting blade (e.g., 54); the apparatus being characterised in that the work plane supporting the material is made from glass; and in that means (e.g., 16, 17 and/or the configuration, spacing, location of 16, 17) are provided which are designed to make this glass work plane elastically yielding;

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[claim 15] characterised in that the support means (e.g., 16, 17) of the work plane comprise means designed to support the work plane in such a way that it presents a bending compliance;

[claim 30] characterised in that the work plane forms an upper surface on which the material slides;

[claim 31] characterised in that the work plane acts as a means to counter the cutting blade (20).

Billows discloses that the support means is made from translucent plastic material, and thus lacks the apparatus being characterised in that the work plane supporting the material is made from glass, particularly glass wherein the outer layer is “harder” as set forth in **claim 12**. However, it is old and well known in the art to make work surfaces of work tables from glass including translucent glass, to gain the well known benefits including the desired characteristics thereof (e.g., glass may be considered easier to maintain as compared to known alternatives such as translucent plastic material). Weaver discloses one example of the use of glass in such a manner. Therefore, it would have been obvious to one having ordinary skill in the art to provide a support means made of glass rather than plastic material to gain the well known benefits including those described above.

Billows further lacks:

[claim 11] characterised in that the thickness of the work plane is between 20 and 30 mm, preferably around 25 mm;

[claim 13 (from 12)] characterised in that the hardness of the outer layer of the sheet is between 800 and 850 HK.

However, to provide the glass work support with the specific thickness and hardness would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one having ordinary skill in the art. For example, the thickness of the glass work support would vary proportionally based on the size (i.e., length and width; or diameter) used. As a further example, the hardness would clearly be determined based on routine experimentation based on markings produced during use thereof; that is, one having ordinary skill in the art would clearly understand that the harder the glass is, the less susceptible it would be to damage such as scratching, etc.

Regarding claim 21, Billows only discloses one support, but lacks the specific number and location thereof and thus further lacks:

[claim 21] characterised in that the supports (27) are arranged in transverse lines at a certain distance apart; these lines are parallel to each other and at a certain longitudinal distance apart; the supports (27) being arranged in such a way that the elements in one transverse line are positioned longitudinally between corresponding elements of the adjacent longitudinal line.

However, such an arrangement describes various conventional support arrangements, and thus to provide such an arrangement would be the mere discovery of the optimum or workable ranges within the general conditions of the prior art by routine experimentation and therefore obvious to one having ordinary skill in the art.

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That is, it would clearly be obvious to one having ordinary skill in the art to provide such supports at each corner and in any of various configurations including at aligned locations along the interior to support the interior portions of the work support.

12. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Billows, pn 3,971,276 in view of Weaver, pn 4,450,774 as applied to claim 1 above, and further in view of WO 01/39941 (hereafter "WO '941).

Billows discloses or teaches/suggests an apparatus with almost every structural limitation of the claimed invention but lacks:

[claim 32] characterised in that the work plane acts as a means of electrostatic restraint for the material.

WO '941 discloses that it is known in the art to provide a means of electrostatic restraint (e.g., see page 32, line 19 to page 33, line 9) for retaining a fabric to a support plane (i.e., work support) for various known benefits including facilitating managing the workpiece before, during and after working thereon. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an electrostatic restraint means on the device taught by Billows in view of Weaver for the benefits taught by WO '941.

### ***Conclusion***

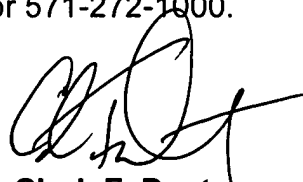
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
November 30, 2007